THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.6091 OF 1998

DATED: 09-03-2007

Between :

1. Budde Srinivasa Rao and 8 others. ... Petitioners

And

1. The Mandal Revenue Officer, Dammapeta Mandal, Khammam District and another. .. Respondents

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WRIT PETITION NO.6091 OF 1998

ORDER :

This writ petition is filed seeking a Mandamus declaring the alleged action of the respondents in seeking to dispossess the petitioners from the lands in Sy.Nos.535/1, 535/22, 535/23 and 531/1 of Malkavaram Village, Dammapeta Mandal, Khammam District as arbitrary and illegal.

It is claimed by the petitioners that they are in occupation of small extents of land in Malkavaram Village in Sy.Nos. 535/1, 535/22, 535/23 and 531/1 for the past 16 years. They have been cultivating the said land by paying land revenue regularly and since the said land is Government poramboke waste land there has never been any objection for any quarter. In the meanwhile, though the Mandal Revenue Officer, Dammapeta Mandal, initiated proceedindgs under the A.P. Land Encroachment Act, 1905 against some of the petitioners, after due enquiry, the proceedings were withdrawn by order dated 26-12-1989. The said order was confirmed by the Revenue Divisional Officer, Paloncha by order dated 5-3-1994. However, the respondents have again started interfering with the possession of the petitioners without there being any justifiable reason. Hence, this writ petition.

In response to Rule Nisi ordered, the Mandal Revenue Officer, Dammapeta Mandal filed a counter-affidavit stating that the land in question is a Government Land. It is stated that since Malkavaram village of Dammapeta Mandal forms part of agency tract the petitioners

who are non-tribals are not entitled to hold any land. That apart, the petitioners are financially sound and holding patta lands in addition to the lands in question. Therefore, it is contended that the petitioners are liable to be evicted from the Government Land.

Having heard the learned Counsel for both the parties and having regard to the admitted fact that the petitioners are in possession as on today, even assuming that their possession is not in accordance with law, they cannot be dispossessed highhandedly, but the respondents are required to follow due process provided under law.

Accordingly, the Writ Petition is disposed of holding that the petitioners should not be dispossessed from the lands in question without following due process of law. No costs.

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G. ROHINI, J.

Dt. 09-03-2007

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